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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,388	08/11/2000	JAMES B. RILEY	013284-05551	8885
22914	7590	09/01/2005	EXAMINER	
KEVIN P. CROSBY BRINKLEY MCNERNEY MORGAN SOLOMAN & TATUM LLP 200 E. LAS OLAS BLVD, SUITE 1900 FORT LAUDERDALE, FL 33301			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/637,388

Applicant(s)

RILEY ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 70-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Action Background*

1. This action is responsive to the Request for Continued Examination, filed on 6/15/2005.
2. Applicant has cancelled claims 45-69 and added new claims 70-81. Claims 1-44 were canceled in a previous response.
3. Claims 70-81 are pending in the case, claims 70, 74 and 78 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 1/13/2005) has been withdrawn pursuant to 37 CFR 1.114.
5. Examiner's rejection of claims 45-69, made under 35 USC 101 in the *Claim Rejections – 35 USC 101* section of the previous office action (dated 1/13/2005) is withdrawn in view of the cancelled claims.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

7. Claims 70-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. US Patent publication 2003/0196164, filed 9/15/1999, published 10/16/2003 (hereinafter Gupta).

8. **Regarding independent claim 70**, Gupta discloses electronic note taking during an interactive learning course. Gupta discloses an interactive learning system with students and instructors. Gupta recites: *"These annotations typically correspond to a particular temporal location in the multimedia presentation and can provide a replacement for much of the "in-person" interaction and "classroom discussion" that is lost when the presentation is not made "in-person" or "live". As part of an annotation, a student can comment on a particular point, to which another student (or lecturer, assistant, etc.) can respond in a subsequent annotation. This process can*

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*continue, allowing a "classroom discussion" to occur via these annotations"* (page 1, paragraph 6).

Gupta discloses a document annotation system. Gupta recites: *"According to one aspect of the invention, multiple annotations are maintained together as an annotations collection corresponding to particular multimedia content"* (page 1, paragraph 12), where Gupta defines the multimedia content as: *"The data can be as simple as ASCII text or as complex as HTML code which can include text having different fonts and type styles, graphics including wallpaper, motion video images, audio, and links to other multimedia documents"* (page 5, paragraph 66).

Gupta disclose an annotation field associated with a document. Gupta recites: *"FIG. 5 shows an exemplary structure for an annotation entry 180 that is maintained by annotation server 10 in annotation meta data store 18 of FIG. 3. In the illustrated example, the annotation entry 180 includes an author field 182, a time range field 184, a time units field 186, a creation time field 188, a title field 190, a content field 192"* (page 5, paragraph 59). Gupta discloses receiving the entry of notes in the annotation field in figure 8 at reference sign 276.

Gupta discloses storing the annotations in memory and associating them with a document. Gupta recites: *"annotations typically correspond to a particular multimedia presentation. Since each of the different versions of the multimedia content is a different multimedia presentation, typical annotations correspond to only one of these presentations"* (page 1, paragraph 8).

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Gupta discloses providing access to the document and notes during the interactive learning course. Gupta recites: *"As part of an annotation, a student can comment on a particular point, to which another student (or lecturer, assistant, etc.) can respond in a subsequent annotation. This process can continue, allowing a "classroom discussion" to occur via these annotations"* (page 1, paragraph 6).

Gupta discloses providing access to the entered notes after the completion of the interactive learning course. Gupta recites: *"Additionally, some systems allow a user to select a particular one of these annotations and begin playback of the presentation starting at approximately the point in the presentation to which the annotation corresponds"* (page 1, paragraph 6).

9. **Regarding dependent claim 71**, Gupta discloses the note containing content contained in the document. Gupta recites: *"multimedia content is duplicated in the annotation"* (page 1, paragraph 9).
10. **Regarding dependent claim 72**, Gupta discloses a plurality of users, where the users can share notes for a period of time. Gupta recites: *"As part of an annotation, a student can comment on a particular point, to which another student (or lecturer, assistant, etc.) can respond in a subsequent annotation. This process can continue, allowing a "classroom discussion" to occur via these annotations"* (page 1, paragraph 6).
11. **Regarding claim 73**, Gupta discloses controlling access to document related to the annotations. Gupta recites: *"According to one embodiment of*

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*the invention, annotation server 10 of FIG. 3 supports read and write access controls" (page 7, paragraph 90).*

12. **Regarding claims 74-77**, the claims are directed toward a computer readable storage medium for the method of claims 70-73, respectively, and are rejected with the same rationale.
13. **Regarding claims 78-81**, the claims are directed toward a system for the method of claims 70-73, respectively, and are rejected with the same rationale.

***Response to Arguments***

14. Applicant's arguments with respect to claims 45-69 have been considered but are moot in view of the canceling of these claims. The ground(s) of rejection for new claims 70-81 is described above.

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
August 26, 2005

*William S. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*8/30/2005*